

CIVIL COVER SHEET

The JS -- 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

Place an X in the appropriate box:		Green Bay Division		<input checked="" type="checkbox"/> Milwaukee Division																					
I.(a) PLAINTIFFS APPLETON PAPERS INC. NCR CORPORATION (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Outagamie County, Wisconsin (EXCEPT IN U.S. PLAINTIFF CASES)		DEFENDANTS GEORGE A. WHITING PAPER COMPANY COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED																							
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) <u>Counsel for Appleton Papers Inc.</u> Linda Doyle McDermott Will & Emery LLP 227 West Monroe Street Chicago, Illinois 60606 (312) 984-6905 <u>Counsel for NCR Corporation</u> J. Andrew Schlickman Evan B. Westerfield Sidley Austin LLP One South Dearborn Street Chicago, Illinois 60603 (312) 853-7000 J. Ric Gass Gass Weber Mullins LLC 309 North Water Street Milwaukee, Wisconsin 53202 (414) 224-7697		ATTORNEYS (IF KNOWN)																							
II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY) 1 U.S. Government Plaintiff Not a Party <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government 2 U.S. Government Defendant of Parties 4 Diversity (Indicate Citizenship in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (For Diversity Cases Only) <table><thead><tr><th></th><th>PTF</th><th>DEF</th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td>1</td><td>1 Incorporated <i>or</i> Principal Place of Business In This State</td><td>4</td><td>4</td></tr><tr><td>Citizen of Another State</td><td>2</td><td>2 Incorporated <i>and</i> Principal Place of Business in Another State</td><td>5</td><td>5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td>3</td><td>3 Foreign Nation</td><td>6</td><td>6</td></tr></tbody></table>					PTF	DEF	PTF	DEF	Citizen of This State	1	1 Incorporated <i>or</i> Principal Place of Business In This State	4	4	Citizen of Another State	2	2 Incorporated <i>and</i> Principal Place of Business in Another State	5	5	Citizen or Subject of a Foreign Country	3	3 Foreign Nation	6	6
	PTF	DEF	PTF	DEF																					
Citizen of This State	1	1 Incorporated <i>or</i> Principal Place of Business In This State	4	4																					
Citizen of Another State	2	2 Incorporated <i>and</i> Principal Place of Business in Another State	5	5																					
Citizen or Subject of a Foreign Country	3	3 Foreign Nation	6	6																					
IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)																									
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES																					
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans-Excl. Veterans	PERSONAL INJURY PERSONAL INJURY 310 Airplane 362 Personal Injury - 362 Personal 315 Airplane Product Malpractice Liability 365 Personal Injury - 365 Personal 320 Assault, Libel & Liability Product	610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark	400 State 410 Antitrust 430 Banks and Banking 450 Commerce/ICC 460 Deportation 470 Racketeer Influenced and 480 Consumer Credit 490 Cable/Satellite TV 810 Selective Service 850 Securities/Commodities/Exchange																					
		LABOR	SOCIAL SECURITY																						

153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	Slander Personal 330 Federal Employers' Product Liability 340 Marine PERSONAL PROPERTY 345 Marine Product Fraud Liability Lending 350 Motor Vehicle Personal 355 Motor Vehicle Damage Product Liability Damage 360 Other Personal Injury Liability	368 Asbestos Injury 370 Other 371 Truth in 380 Other Property 385 Property Product	710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))	875 Customer Challenge 12 891 Agricultural Acts 892 Economic <input checked="" type="checkbox"/> 893 Environmental 894 Energy Allocation Act 895 Freedom of 900 Appeal of Fee 950 Constitutionality of 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONE		FEDERAL TAX SUITS	
210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real	441 Voting 442 Employment 443 Housing/ 444 Welfare 445 Amer w/Disabilities - Employment 446 Amer w/Disabilities - Other 440 Other Civil Rights	510 Motions to Vacate e Sentenc HABEAS CORPUS: 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Condition		870 Taxes (U.S. Plaintiff or 871 IRS – Third Party 26 USC 7609	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☒ 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened another district 5 Transferred from Litigation 6 Multidistrict

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Claims for Declaratory Judgment of Allocable Shares, Cost Recovery and Contribution under 28 U.S.C. Sec. 2201 and 42 U.S.C. Secs. 9607 and 9613.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE Adelman DOCKET NUMBER No. 01-C-0816
No. 02-C-0602

See Attached Exhibit 1

No. 03-C-0949
No. 06-C-0484

January 7, 2008 /s/ J. Andrew Schlickman

DATE SIGNATURE OF ATTORNEY OF RECORD

EXHIBIT 1 TO CIVIL COVER SHEET FOR
APPLETON PAPERS INC. AND NCR CORPORATION v. GEORGE A. WHITING
PAPER COMPANY

1. Other Related Cases

The other related cases pending in the United States District Court for the Eastern District of Wisconsin are listed below. All of these cases are closed (via consent decrees) and all were before Judge Adelman.

- a. *United States of America and the State of Wisconsin v. Appleton Papers Inc. and NCR Corporation*, 2:01-cv-00816-LA
- b. *United States of America and the State of Wisconsin v. Fort James Operating Company*, 2:02-cv-00602-LA
- c. *United States of America and the State of Wisconsin v. P.H. Glatfelter Company and WTM I Company*, 2:03-cv-00949-LA
- d. *United States of America and the State of Wisconsin v. NCR Corporation and Sonoco-US Mills Inc.*, 2:06-cv-00484-LA

2. Other Disclosures

We note for the Court that Gass Weber Mullins LLC (GWM) is counsel for Plaintiff NCR Corporation, and that an associate lawyer in GWM, Michael Ashton, will become a law clerk to Judge Adelman in August of 2008. Prior to accepting that position, Attorney Ashton provided limited federal procedural information to NCR and its counsel in the Fall of 2007. Attorney Ashton was not involved in any substantive matters concerning this litigation. After accepting the law clerk position, Attorney Ashton has not had any involvement with this matter and will not for the balance of his employment with GWM. We understand that under the court's standard procedures once Attorney Ashton commences his law clerk position, he would not be assigned to this litigation.